

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BENNEKER et al.

Appl. No.: 09/200,743 ✓

Filed: November 27, 2000

For: CRYSTALLINE PAROXETINE
METHANE SULFONATE (as amended)

Art Unit: 1625

Examiner: Chang, C.

SUPPLEMENTAL REMARKS

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Further to the Preliminary Amendment filed November 27, 2000, the following supplemental remarks are respectfully submitted in connection with the above-identified application.

Specifically, applicants submit herewith a Terminal Disclaimer over the Benneker *et al.* patent, 5,874,447, which issued from the grandparent of the instant application. This terminal Disclaimer avoids any issue of obviousness-type double patenting between claim 7 of the patent and instant claim 39; thereby expediting prosecution. A check in the amount of \$110.00 is enclosed for the required fee under 1.20(d).

Also attached herewith are (1) a Request for Interference under Rule 607 (application-patent interference) accompanied by 10 exhibits and two executed declarations under Rule 132 and (2) a related Request for Interference under Rule 604 (application-application interference). As indicated in the Preliminary Amendment, the *crystalline* paroxetine methane sulfonate disclosed

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and claimed in the present application is the *crystalline* paroxetine methane sulfonate disclosed and claimed in Craig et al., 6,603,927. Since the instant applicants were the first to file and are prima facie the first inventors, an interference is required. Further, applicants believe, based on EPO filings, that one or more divisional applications stemming from the Craig patent are pending in the USPTO. These applications should also be included in the interference as explained in the Request for Interference under Rule 604.

Should the Examiner have any questions regarding this application, she is encouraged to contact applicants' undersigned representative at telephone No. 703 753 8791.

Respectfully submitted,



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Encls.: Terminal Disclaimer
 Check for \$110.00
 Req. for Interference - 607 w/ exhibits 1-10
 Declaration of Crimmins (executed)
 Declaration of Peters (executed)
 Req. for Interference - 604